

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

In RE: KIMBERLY M. POPE

Case No. 12-12778
Chapter 7

KIMBERLY M. POPE

Plaintiff

Vs.

A.P. No.:

U.S. DEPARTMENT OF EDUCATION,
RI STUDENT LOAN AUTHORITY,
SALLIE MAE INC., and AMERICAN EDUCATION SERVICES

Defendants

Complaint to Determine Dischargability of Debts

Jurisdiction and Venue

1. Jurisdiction exists under 28 USC Section 1334. Venue is proper under 28 USC Section 1409[a]. This is a core proceeding within the meaning of 28 USC Section 157[b][2][I]. This adversary complaint is brought pursuant to 11 USC Section 523[a][8].

Parties

2. Plaintiff, Kimberly M. Pope, is an individual and the above named debtor who filed her Chapter 7 bankruptcy case on August 29, 2012, and has an address of 800 Central Avenue, Pawtucket, RI 02861.

3. Defendant RI Student Loan Authority has an address of c/o Nelnet, PO Box 17460, Denver, CO 80201, and is the owner of a certain educational loan in the approximate amount of \$35,288.68 due and owed to the Defendant by the above named Debtor/Plaintiff. This said loan was incurred to pay expenses at the University of South Florida, New England Institute of Technology, and the University of Massachusetts at Dartmouth.

4. Defendant Sallie Mae Inc. has an address of 220 Lasley Avenue, Wilkes Barre, PA 18706, and is the owner of a certain educational loan in the approximate amount of \$5,000.00 due and owed to the Defendant by the above named Debtor/Plaintiff. This said loan was incurred to pay expenses at the University of Phoenix.

5. Defendant American Education Services has an address of 1200 North Seventh Street, Harrisburg, PA 17102, and is the owner of a certain educational loan in the approximate amount of \$7,443.34 due and owed to the Defendant by the above named Debtor/Plaintiff. This said loan was originally made by Citizens Bank and was incurred to pay expenses at the University of Phoenix.

6. Defendant U.S. Department of Education has an address of 400 Maryland Avenue, SW, Washington, DC 20202, as well as c/o US Attorney's Office, Fleet Center, 50 Kennedy Plaza, 8th Floor, Providence, RI 02903, and is the owner of a certain educational loan under the Direct Loans program in the approximate amount of \$15,765.08 due and owed to the Defendant by the above named Debtor/Plaintiff. This said loan was incurred to pay expenses at the University of Massachusetts at Dartmouth.

7. Said Defendants were listed as creditors on Schedule F of the Debtor's petition.

8. Plaintiff suffers from a medical condition which prevents her from working, and she is presently seeking disability benefits pursuant to the Social Security Act.

9. Pursuant to Debtor/Plaintiff's Schedule I and Schedule J, she is unable to set aside any additional sums over and above her daily living expenses to liquidate said loan.

10. Debtor/Plaintiff has no significant assets jointly or independently.

11. Debtor/Plaintiff's lack of employment and medical condition results in limited earning capacity and as such creates a hardship pursuant to 11 USC Section 523[a][8].

12. Debtor/Plaintiff's disability is total, and therefore she is and will continue to be unable to work to obtain income sufficient to make any additional repayment on these loans. A report from the treating doctor as to the extent of the Debtor/Plaintiff's disability is attached hereto.

13. Debtor/Plaintiff claims she has made good faith efforts to repay her student loans.

WHEREFORE, Plaintiff respectfully requests this Honorable Court determine that Plaintiff's obligations and debts to Defendants, including, but not limited to, the amounts listed above and all appropriate interest, costs and attorney's fees are discharged pursuant to 11 U.S.C. Section 523 [a][8], and any further relief that this Court shall deem just and proper

Dated: April 13, 2013

KIMBERLY M. POPE
by her attorney

/s/ David L. Graham

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